

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON NATURAL RESOURCES

July 2009

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STATE OF MAINE

124TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

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plan.

LD 1423 was carried over to any special or regular session of the 124th Legislature by Joint Order, H.P. 1053.

LD 1434 An Act Regarding Asbestos Abatement Work

PUBLIC 374

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM MAJ ONTP MIN	S-159 S-272 GOODALL

This bill:

1. Clarifies that persons engaged in an activity affecting more than 3 square feet or 3 linear feet of any asbestos-containing material are subject to licensing, certification, notification and work practice requirements administered by the Department of Environmental Protection;
2. Increases the maximum fee that may be charged by the Department of Environmental Protection to license or certify asbestos professionals; and
3. Increases the maximum fee that must be paid when notifying the Department of Environmental Protection of asbestos abatement activity.

Committee Amendment "A" (S-159)

This amendment is the majority report of the committee. The amendment changes the annual license fee for asbestos abatement contractors and asbestos abatement consultants to \$250 for the first annual license, \$625 for the 2nd annual license and \$1,000 for the 3rd and each subsequent annual license. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-272)

This amendment reestablishes the annual license fee for asbestos abatement contractors and asbestos abatement consultants to be the same for each year instead of a different amount for the first annual license, the 2nd annual license and the 3rd annual license as proposed by Committee Amendment "A."

This amendment also decreases the annual fee as proposed in the bill for an asbestos abatement contractor from \$1,000 to \$650, an asbestos worker from \$75 to \$50, an asbestos consultant from \$1,000 to \$650, an asbestos analytical laboratory from \$500 to \$400 and other categories of asbestos professionals from \$150 to \$100. The amendment also decreases certain notification fees by \$100.

Enacted Law Summary

Public Law 2009, chapter 374:

1. Clarifies that persons engaged in an activity affecting more than 3 square feet or 3 linear feet of any asbestos-containing material are subject to licensing, certification, notification and work practice requirements administered by the Department of Environmental Protection;
2. Increases the maximum fee that may be charged by the Department of Environmental Protection to license or certify asbestos professionals; and

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3. Increases the maximum fee that must be paid when notifying the Department of Environmental Protection of asbestos abatement activity.

LD 1471 An Act Concerning Debarment from Contracts with the Department of Environmental Protection

PUBLIC 360

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP-AM	S-239

This bill defines "direct financial interest" and provides:

1. If an individual is debarred from participation in any contract with the Department of Environmental Protection, any business in which that individual holds a direct financial interest is also debarred; and
2. If a business is debarred from participation in any contract with the Department of Environmental Protection, any individual or business that holds a direct financial interest in that debarred business is also debarred.

Committee Amendment "A" (S-239)

This amendment amends the bill by including findings the Commissioner of Environmental Protection must make prior to debarring an individual or business that has a direct financial interest in a debarred business or prior to debarring a business in which a debarred individual holds a direct financial interest.

Enacted Law Summary

Public Law 2009, chapter 360 authorizes the Commissioner of Environmental Protection, after making findings specified in the law, to debar an individual or business that has a direct financial interest in a debarred business and to debar a business in which a debarred individual holds a direct financial interest.

LD 1476 An Act Regarding the Transfer of Licenses for Energy Recovery Facilities

PUBLIC 380

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	OTP-AM	S-292

This bill prohibits the Department of Environmental Protection from approving the transfer of a solid waste facility license during the stated term of a waste handling contract between a solid waste facility that incinerates solid waste and its host community. Under this bill, the department may not grant a new license to the new owner of a solid waste facility until the expiration of a due diligence review period for the host community, the receipt of written consent of the host community and a public hearing and review conducted by the Board of Environmental Protection.

Committee Amendment "A" (S-292)

This amendment authorizes the Department of Environmental Protection to approve the transfer of a solid waste facility license during the stated term of a waste handling contract between a solid waste facility that incinerates municipal solid waste or special waste and its host community only after the expiration of a due diligence review